

**KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
July 28, 2015**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:31 a.m., at the Lihu'e Civic Center, Mo'iikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney  
Mr. Louis Abrams  
Ms. Amy Mendonca

The following staff members were present: Planning Department – Kenneth Estes; Deputy County Attorney Jodi Higuchi-Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro (*entered at 8:45 a.m.*), Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Vice Chair Mahoney called the meeting to order at 8:31 a.m.

**ROLL CALL**

Vice Chair Mahoney: Roll call.

Staff Planner Kenneth Estes: Mr. Chair, you have three (3) members present.

Vice Chair Mahoney: Thank you.

**APPROVAL OF THE AGENDA**

Vice Chair Mahoney: Approval of the agenda.

Ms. Mendonca: So moved.

Mr. Abrams: Second.

Vice Chair Mahoney: It's been moved and seconded. All in favor? (Unanimous voice vote)  
Opposed? (None) Motion carries 3:0.

## **MINUTES of the meeting(s) of the Subdivision Committee**

**Meeting of June 9, 2015.**

**Vice Chair Mahoney:** Minutes of the meeting of the Subdivision Committee, June 9, 2015.

**Mr. Abrams:** Move to approve.

**Ms. Mendonca:** Second.

**Vice Chair Mahoney:** Moved and seconded. Any discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

## **RECEIPT OF ITEMS FOR THE RECORD**

**Vice Chair Mahoney:** Receipt of items for the record.

**Mr. Estes:** There are none.

**Vice Chair Mahoney:** Thank you.

## **HEARINGS AND PUBLIC COMMENT**

**Vice Chair Mahoney:** Hearings and public comment. Does any member of the public wish to testify on any agenda item? Hearing none.

## **GENERAL BUSINESS MATTERS**

**Vice Chair Mahoney:** General business matters.

**Mr. Estes:** There are none.

## **UNFINISHED BUSINESS**

**Vice Chair Mahoney:** Unfinished business.

**Mr. Estes:** None.

## **NEW BUSINESS (For Action)**

**Tentative Subdivision Action**

Subdivision Application No. S-2015-17, Kawaihoa Development, Proposed 2-lot Consolidation, TMK: (4) 2-9-001:002 & 003, Pa'a and Weliweli, Kōloa, Kaua'i

Vice Chair Mahoney: New business.

Mr. Estes: New business for action. Item I.1., Tentative Subdivision Action. I.1.a., Subdivision Application No. S-2015-17; Kawaihoa Development; proposed 2-lot consolidation; TMK: 2-9-001 parcels 2 and 3; Pa'a and Weliweli, Kōloa, Kaua'i.

I'm going to read my planner's evaluation. The proposal involves a 2-lot consolidation within the Resort District, RR-10. As represented by the Applicant, the purpose of the consolidation is to accommodate a solar photovoltaic system on the subject property. It shall be noted that since the proposal does not create additional lots, it is exempt from an Environmental Impact Assessment Fee. The original subdivision involving these parcels, as well as the roadways abutting the resort facility was approved by the Planning Commission in 1990 through Subdivision Application No. S-89-63.

Mr. Chair, we have received all agency comments; therefore, the Planning Department is recommending tentative subdivision approval.

Vice Chair Mahoney: Thank you. Any questions for the Planner?

Mr. Abrams: A couple. 1.e. and 1.f., they deal with a Shoreline Certification and a State Land Use District boundary interpretation, and I noticed that the actual part that they're trying to consolidate is to accommodate the photovoltaic project in the parking lot, which is like way far away, so I don't know if that's standard process because that's a fairly lengthy process, I would believe, in order to get a shoreline for something as wide as the Hyatt, I guess at that point when that's really not the point. I don't know whether that's something that has to be looked at or required.

And then I wasn't sure relative to Public Works. I had looked at a couple of Public Works' comments and I noticed that under Public Works' comments, they don't have what is normally a condition in the Solid Waste section. They put a Solid Waste condition in all of the other Subdivision ones, but don't have this here where I see other projects have similar and they're just simply consolidation, re-subdivision. I don't know why there's a difference there. Would you know?

Mr. Estes: The Solid Waste, I believe those comments are still pending.

Mr. Abrams: Alright, so that would come in later, that's why it's still pending on that. Okay. And the shoreline part of it?

Mr. Estes: The shoreline, we reviewed the subdivision as a whole, and therefore it's a standard condition that we require for the subdivision.

Mr. Abrams: Yeah, require a new shoreline survey.

Mr. Estes: Yeah.

Mr. Abrams: And because of that, depending on the shoreline survey, your conservation line would then change possibly? Because it's a 300 foot, I believe in that one, setback there, I mean, or zoning difference there or land use difference, right? Because it's Conservation and Urban.

Mr. Estes: Yes.

Mr. Abrams: Okay. I'm trying to decide whether or not that is something I would recommend as whether or not it's necessary. I get it on normal lots where there's a big impact, but we're talking about the parking lot on the street side compared to a shoreline on the complete opposite side of that which...well, we can take that up later... I'm just trying to figure out if that's appropriate or necessary. I understand the standard policy of it. It's just that sometimes it doesn't make sense to me.

Vice Chair Mahoney: Right. This is tentative subdivision action. If there are no more questions, is there a representative for the Applicant present?

Could you state your name for the record please?

Yolanda Cabral: Sure. Good morning Commissioners. My name is Yolanda Cabral and I'm here on behalf of the Applicant, Kawaihoa Development, LLC.

Vice Chair Mahoney: Are there any questions for the Applicant?

Mr. Abrams: You heard them.

Ms. Cabral: Yes. I did note your comment, Commissioner. And that is something that maybe we can discuss because the system will be on the parking area to service Lot 2, I believe, and its way on the other side of the shoreline area.

Mr. Abrams: Well I guess it's your guys' choice, I mean, certainly (inaudible).

Ms. Cabral: Yes, if we could revisit that condition and see if that could be waived or exempt because of the circumstance.

Mr. Abrams: That's all I have.

Mr. Estes: Yes, we can work with the Applicant during the tentative approval process regarding that condition.

Mr. Abrams: Okay.

Vice Chair Mahoney: Okay. Any further questions? Hearing none. Chair will entertain a motion.

Mr. Abrams: Move to approve tentative subdivision approval S-2015-17, Kawaihoa Development.

Ms. Mendonca: I'll second.

Vice Chair Mahoney: Moved and seconded. Any discussion on the matter? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

Thank you.

Ms. Cabral: Alright, thank you.

Subdivision Application No. S-2015-18, Charles Baxter and Jinee Tao, Proposed 2-lot Consolidation, TMK: (4) 2-6-017:025 & 026, Kōloa (Makai), Kōloa, Kona, Kaua'i

Mr. Estes: Item I.1.b., Subdivision Application No. S-2015-18; Charles Baxter and Jinee Tao; proposed 2-lot consolidation; TMK 2-6-017 parcels 25 and 26; Kōloa (Makai), Kōloa, Kona, Kaua'i.

The proposal involves a 2-lot consolidation within the Residential District R-4. It should be noted that the proposal does not create additional lots; therefore, it is exempt from an EIA and Park Dedication fee.

Mr. Chair, comments are pending from the Department of Water. The Planning Department is recommending tentative subdivision approval.

Vice Chair Mahoney: Okay, thank you. Are there any questions from the Commissioners to the Planner? Hearing none. Is the Applicant present? Representative?

Could you state your name for the record please?

Lindsay Crawford: Good morning Commissioners. Lindsay Crawford with Kukui'ula Development Company representing the owner and Austin Tsutsumi, the Surveyor; neither of which could be here today.

Vice Chair Mahoney: Okay. Are there any questions for the Applicant? Hearing none.

Any concerns? Okay. Chair will entertain a motion.

Mr. Abrams: Move to approve tentative Subdivision Application S-2015-18, Charles Baxter and Jinee Tao.

Ms. Mendonca: Second.

Vice Chair Mahoney: Moved and seconded. Any further discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.  
Thank you very much.

Mr. Crawford: Thank you.

### Final Subdivision Action

Subdivision Application No. S-2009-13, *Grove Farm Properties, Inc.*, Proposed 100-lot Subdivision, TMK: (4) 3-3-003:041(por.), Līhu'e, Puna, Kauai

Mr. Estes: Final Subdivision Action. Item 2.a., Subdivision Application No. S-2009-13; Grove Farm Properties, Inc.; proposed 100-lot subdivision; TMK: 3-3-003 portion of parcel 41; Līhu'e, Puna, Kaua'i.

Vice Chair Mahoney: Is there a report? Summary?

Mr. Estes: Mr. Chair, we have received final recommendations from the Department of Water and the Department of Health. The Planning Department will be recommending final subdivision approval as stated in the final recommendations section of the subdivision report, which states "no building permits will be granted on the subdivided lots until requirements of the Department of Public Works as noted in the July 21, 2015 correspondence is fulfilled."

Vice Chair Mahoney: Okay. Are there any questions from the Commissioners to the Planner?

Mr. Abrams: Yes, I was trying to reconcile the 2009 and all of these other issues so that I was clear on what was the concern relative to this particular one now. The comments from Public Works in regard to the road, and what has been worked out if anything for...I guess Larry Dill had concerns; that the design changes to Nuhou Street would be addressed by the Developer; we're comfortable with proceeding to the final map. And the issue was that the design of Nuhou, as shown on the plans, does not meet the conditions imposed by the Planning Commission in the tentative approval letter dated March 11, 2009. So I want to make sure that it pertained to Section 2009?

Vice Chair Mahoney: The Planner can answer it, or we could get the Applicant up if you...

Mr. Abrams: Okay.

Vice Chair Mahoney: Yeah, maybe it would be more helpful.

Mr. Abrams: Alright.

Vice Chair Mahoney: Is there a representative for the Applicant present?

Could you state your name for the record please?



David Hinazumi: Good morning. David Hinazumi on behalf of Grove Farm.

Vice Chair Mahoney: Morning. Are there some questions for the Applicant?

Mr. Abrams: David, this issue that was brought up on the comments and from the preliminary approval, the tentative approval, to the final that dealt with the Nuhou Street extension, I guess. Is that specifically the main issue or the only issue?

Mr. Hinazumi: Yes, that's correct. Commissioner Abrams, briefly you can see the subdivision originated back in 2009 and it was designed to standards at that time. With changes to the complete streets design, we've had discussions with Department of Public Works; Michael Moule is here. We've had some really good discussions, some improvements that were recommended to the roadway, so that is what we will be following up and we're able to proceed with subdivision and come back in to make these changes as requested.

Mr. Abrams: Okay. And this area is part of the subdivision here is going to be a roundabout? I mean, I'm looking at that area where it all ties in where Pua Ko's here and coming down the road...

Mr. Hinazumi: Yes, there's one (1) roundabout in the subdivision.

Mr. Abrams: And that will then be the source of the parallel road to Nāwiliwili Road then going down?

Mr. Hinazumi: That's correct.

Jay Furfaro entered the meeting at 8:45 a.m.

Mr. Abrams: Alright, so Public Works is satisfied that this will get worked out by the time Building Permit approval is there. Does Public Works sign off on Building Permits?

Vice Chair Mahoney: Maybe we could have the County Engineer clarify?

Michael Moule: I'm Michael Moule. I'm the Chief of the Engineering Division, representing Public Works today. Yes, I can clarify the situation. So you asked earlier, Commissioner Abrams, about the concern or comment that we had about the plans not meeting the original Planning Commission conditions. And specifically the issue on that was with Nuhou Street, there was a condition that talked about requiring sidewalks and curbs on Nuhou Street, and those weren't shown in the plans when we first...when I took a look at them. As Mr. Hinazumi stated, we are working with the Developer, in this case, to modify the design of Nuhou Street. And the condition that Mr. Estes stated a moment ago that says the correspondence on July 17<sup>th</sup>, I think, as long as those things are worked out, we're comfortable with this being approved, as far as the map itself. The design of the streets still need to be worked out and we're working with them on that, and their consultant is working on the design changes at this time. We're comfortable with it and with that condition, feel comfortable with allowing them to have final map, knowing that we will work on the final design with them. They will work on the final design with us really,

and send new plans to us with changes to the actual street design, but it doesn't affect the properties in any way.

Mr. Abrams: Okay, thank you.

Vice Chair Mahoney: Any further questions?

Ms. Mendonca: I have one (1). Just out of curiosity, it's a nice development here, but what happens to the golf course?

Mr. Hinazumi: The golf course will continue to operate and this subdivision is on the...adjacent to the golf course.

Vice Chair Mahoney: Okay. Any further questions? For the Applicant or the Engineer? Hearing none.

Mr. Abrams: Move to approve Subdivision Application S-2009-13, Grove Farm Properties.

Ms. Mendonca: I second.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion on the matter? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

Thank you very much.

Subdivision Application No. S-2009-14, *Grove Farm Properties, Inc.*, Proposed 20-lot Subdivision, TMK: (4) 3-3-003:041(por.), Līhu'e, Puna, Kaua'i

Mr. Estes: Moving on. Item 2.b., Subdivision Application No. S-2009-14; Grove Farm Properties, Inc.; proposed 20-lot subdivision; TMK: 3-3-003 portion of parcel 41; Līhu'e, Puna, Kaua'i.

Mr. Chair, we have received all agency comments with no objection to final approval being granted; therefore, the Planning Department is recommending final subdivision approval.

Vice Chair Mahoney: Okay. Commissioners, any questions for the Planner? Hearing none. Do you have anything?

Mr. Abrams: No.

Vice Chair Mahoney: Any questions for the Applicant? Hearing none.

Mr. Abrams: Mr. Chair, move to approve Subdivision Application S-2009-14 for final subdivision approval, Grove Farm Properties, Inc.

Ms. Mendonca: Second.



Vice Chair Mahoney: It's been moved and seconded. Any further discussion on the matter? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0. Thank you.

Mr. Hinazumi: Thank you.

Subdivision Application No. S-2012-06, Lindsay Crawford/Kukui'ula Development Co. (Hawai'i) LLC., Proposed 4-lot Subdivision, TMK: (4) 2-6-014:026 & 043, 2-6-015:005, Kōloa (Makai), Kōloa, Kaua'i

Mr. Estes: Item 2.c., Subdivision Application No. S-2012-06; Lindsay Crawford/Kukui'ula Development Company (Hawai'i) LLC; proposed 4-lot subdivision; TMK 2-6-014 parcels 26 and 43, and TMK 2-6-015 parcel 5; Kōloa (Makai), Kaua'i.

To recap this subdivision, the proposal established one (1) additional lot within the Residential District R-4 and redefines the boundary for the existing sewer pump station Lot D to accommodate its facilities.

Mr. Chair, we have received all agency comments with no objection. The Planning Department is recommending final subdivision approval.

Vice Chair Mahoney: Any questions for the Planner by the Commissioners? Hearing none. Is the representative...? State your name for the record please.

Mr. Crawford: Again, Lindsay Crawford. This time representing Lindsay Crawford.

Vice Chair Mahoney: Okay, thank you. Are there any questions for the Applicant?

Mr. Abrams: I was looking for Lot D on the small maps. I had to get my magnifying glass out, still couldn't find it, but I see it now on the bigger maps.

Vice Chair Mahoney: Any concerns? Questions?

Mr. Abrams: Lindsay, the drainage issue that was brought up in the tentative, drainage B, open ditch underground culvert; that's all been resolved?

Mr. Crawford: I'm sorry, which one of the drainage conditions?

Mr. Abrams: This would be condition tentative approval 2.b. It sort of goes Form & Content of Map, and Drainage. It references an open drainage ditch system, and that it needs to be provided for Lot B and shared with Lot C.

Mr. Crawford: Yes, the drainage ditch goes across the new lot we're creating. It's currently existing and it functions.

Mr. Abrams: Okay, thank you.

Vice Chair Mahoney: Any further questions? Hearing none. Chair will entertain a motion.

Mr. Abrams: Chair, move to approve final subdivision approval for S-2012-006, Lindsay Crawford/Kukui'ula Development Company (Hawai'i) LLC.

Ms. Mendonca: Second.

Vice Chair Mahoney: It's been moved and seconded. Any further questions? Discussions? Hearing none. All in favor? (Unanimous voice vote) Motion carries 3:0.

Thank you.

Mr. Crawford: Thank you.

Subdivision Application No. S-2013-20, Kīlauea Ventures, LLC., Proposed 6-lot Subdivision, TMK: (4) 5-2-005:024, 5-2-023:027 & 028, Kīlauea & Namahana, Hanalei, Kaua'i

Mr. Estes: Moving on. Item 2.d., Subdivision Application No. S-2013-20; Kīlauea Ventures, LLC; proposed 6-lot subdivision; TMK 5-2-005 parcel 24, and TMK 5-2-023 parcels 27 and 28; Kīlauea, Hanalei, Kaua'i.

Vice Chair Mahoney: Report?

Mr. Estes: Mr. Chair, we have received all agency comments; recommending final subdivision approval.

Vice Chair Mahoney: Thank you. Are there any questions from the Commission to the Planner? Hearing none. Is there someone from the Applicant...? Representative?

Could you state your name for the record please?

Lorna Nishimitsu: For the record, Lorna Nishimitsu, the Attorney for Kīlauea Ventures; along with Jose Bustamante who is the Agent for Kīlauea Ventures. We have nothing to say, you know, we've reviewed the agency conditions. We believe we've satisfied everything based on all the agency comments. If you have any questions, we're here to answer them.

Vice Chair Mahoney: Are there any questions by the Commission to the Applicant? Comments? No? Okay. Chair will entertain a motion.

Mr. Abrams: Mr. Chair, move to approve Subdivision Application 2013-20 for final subdivision approval, Kīlauea Ventures, LLC.

Ms. Mendonca: Second.

Vice Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor? (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

Thank you.

Mr. Estes: Mr. Chair, there are no further items on the agenda.

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**ADJOURNMENT**

Vice Chair Mahoney adjourned the meeting at 8:56 a.m.

Respectfully submitted by:



Darcie Agaran  
Commission Support Clerk

- ( ) Approved as circulated (add date of meeting approval).
- ( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.